



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SMC  
Docket No: 03063-99  
25 January 2001

CDR [REDACTED] USN  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Command [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 January 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 19 July 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Further, they did not accept your contention that you "could not realistically compete" for an "early promote" fitness report, merely because you had been attached to the squadron for only 14 months and were the most junior lieutenant commander. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



**DEPARTMENT OF THE NAVY**

**NAVY PERSONNEL COMMAND**

**5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000**

5420  
Ser 85/146  
19 Jul 99

3063-99

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: [REDACTED], USN, [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned recommending disapproval of LCDR [REDACTED] request for removal of his failures of selection resulting from the FY-98 and FY-99 Active Commander Unrestricted Line Promotion Selection Boards.
2. His request is based on his claim that due to an expanded promotion zone, he was considered in-zone for promotion to Commander one year earlier than anticipated. He was considered as an in-zone eligible by the FY-98 Active Commander Unrestricted Line Promotion Selection Board as directed by notification provided by the Secretary of the Navy ALNAV 091/97 based on his date of rank and lineal number. Manpower requirements which place an officer in zone are vacancy driven based on gains and losses for their particular community directed by the Secretary of the Navy.
3. [REDACTED] record as reviewed before both boards was complete. The boards had all the information that was required for consideration and records that were presented before them provided a substantially accurate, complete, and fair portrayal of his career and sufficient information to make promotion decisions. Recommend disapproval of his request.

[REDACTED]  
BCNR Liaison, Officer Promotions  
and Enlisted Advancements Division

(3) ADVISORY OPINION